

REMARKS

Claims 1-25 and 38 constitute the pending claims in the present application. Original claims 26-37 are directed to non-elected inventions and are withdrawn from further consideration by the Examiner. Applicants have canceled these claims without prejudice. Applicants reserve the right to pursue claims of identical or similar scope in future applications.

Applicants note that the IDS submitted on February 14, 2005 has been considered by the Examiner.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action.

Specification

The Office Action objects the specification for allegedly failing to refer to specific SEQ ID NOs. representing the various amino acid sequences shown in Figures 4, 5, (10), and 11. Accordingly, Applicants have amended the specification to obviate this objection. Applicants submit that the originally filed sequence listing fully comply with the requirements of 37 CFR 1.821-1.825. Applicants further submits that after the amendment, all nucleotide and amino acid sequences have been properly referred to in the specification. Reconsideration and withdrawal of the objection are respectfully requested.

Claim Objections

The Office Action objects Claim 25 under 37 CFR 1.75(c), as allegedly being improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Office Action alleges that the term "Interaction Trap System" or "ITS" as used in US20030044847A1 is synonymous with a "yeast two-hybrid assay," which is recited in the instant Claim 24, upon which Claim 25 depends. Thus the Office Action requests Applicants to cancel or amend Claim 25 to comply with 37 CFR 1.75(c).

Applicants submit that US20030044847A1 is a different patent application filed by completely unrelated inventors. Terms used in a different patent application, especially when the application is filed by unrelated inventors, does not define the meaning of a term used in the instant application, since "[a] fundamental principle contained in 35 U.S.C. 112, second

paragraph is that applicants are their own lexicographers” (MPEP 2173.01). This is true even if the definition in a different patent application was used to show the common meaning of a term in the art (which Applicants do not agree that ITS is known in the art as the same as yeast two-hybrid assay).

In contrast, paragraph [0106] of the instant specification (as published in US-20030170722 A1) refers to “an interaction trap assay, especially a reverse-two hybrid system as described by U.S. Pat. Nos. 5,955,280, and 5,965,368.” Claim 17 of U.S. Pat. No. 5,955,280 reads: “[t]he method of claim 1, wherein the first and second populations of cells are yeast cells.” Thus, pursuant to doctrine of claim differentiation, Claim 1 of U.S. Pat. No. 5,955,280 must cover ITS in cells other than yeast cells. In other words, “ITS” is not synonymous with “yeast two-hybrid assay.”

Nevertheless, Applicants have amended Claim 25 to clarify the subject matter claimed. Applicants submit that the amendment does not narrow the scope of the claim. Reconsideration and withdrawal of the objection are respectfully requested.

Claim Rejections under 35 USC § 112, second paragraph

Claims 1-25 are rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctively claim the subject matter which applicants regards as the invention.

The Office Action alleges that Claim 1 misses an essential step linking the active steps of A) – C) to the purpose set out in the preamble of the claimed invention. Applicants have amended claim 1 to clarify the subject matter claimed and to obviate this rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections under 35 USC § 102

Claims 1-4, 8, and 10-23 are rejected under 35 USC 102(b), as allegedly being anticipated by Yin et al. (*Nature* 369: 321-23, 1994, IDS Reference CN). Claims 1-25 are rejected under 35 USC 102(b), as allegedly being anticipated by U.S. Pat. No. 5,622,852.

Applicants have amended Claim 1 and added new Claim 38 (supported by, for example original Claim 1) to clarify the subject matter claimed. Applicants submit that Claim 1 recites

complexes of M11L, which may or may not include BAK. Such complexes of M11L were not disclosed in either the Yin reference or the '852 patent. Thus both the Yin reference and the '852 patent fails to teach each and every element of the claimed invention. reconsideration and withdrawal of the rejection under 35 USC 102 are respectfully requested.

Double Patenting

The Office Action objects Claim 25 under 37 CFR 1.75(c), as allegedly being a substantial duplicate of Claim 24. Specifically, the Office Action alleges that the term "Interaction Trap System" or "ITS" as used in US20030044847A1 is synonymous with a "yeast two-hybrid assay," which is recited in the instant Claim 24, upon which Claim 25 depends. Thus the Office Action requests Applicants to cancel or amend Claim 25 to overcome the double patenting rejection.

Applicants submit that US20030044847A1 is a different patent application filed by completely unrelated inventors. Terms used in a different patent application, especially when the application is filed by unrelated inventors, does not define the meaning of a term used in the instant application, since "[a] fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers" (MPEP 2173.01). This is true even if the definition in a different patent application was used to show the common meaning of a term in the art (which Applicants do not agree that ITS is known in the art as the same as yeast two-hybrid assay).

In contrast, paragraph [0106] of the instant specification (as published in US-20030170722 A1) refers to "an interaction trap assay, especially a reverse-two hybrid system as described by U.S. Pat. Nos. 5,955,280, and 5,965,368." Claim 17 of U.S. Pat. No. 5,955,280 reads: "[t]he method of claim 1, wherein the first and second populations of cells are yeast cells." Thus, pursuant to doctrine of claim differentiation, Claim 1 of U.S. Pat. No. 5,955,280 must cover ITS in cells other than yeast cells. In other words, "ITS" is not synonymous with "yeast two-hybrid assay."

Nevertheless, Applicants have amended Claim 25 to clarify the subject matter claimed. Applicants submit that the amendment does not narrow the scope of the claim. Reconsideration and withdrawal of the double patenting rejection are respectfully requested.

CONCLUSION


For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims are now in condition for allowance and early notification to this effect is earnestly solicited. Any questions arising from this submission may be directed to the undersigned at (617) 951-7000.

If there are any other fees due in connection with the filing of this submission, please charge the fees to our **Deposit Account No. 18-1945**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit account.

Respectfully Submitted,

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